

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5029 of 2019

V.N.Raghupathy

... Petitioner

Vs.

1. The Secretary,
Housing and Urban Development Department,
St.George Fort,
Secretariat,
Chennai - 600 009.

2. The Member-Secretary,
The Chennai Metropolitan
Development Authority (CMDA),
Gandhi-Irwin Road, Egmore,
Chennai - 600 008.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS, directing the second respondent refund the Infrastructure and Amenities (1&A) charges of Rs.2,68,000/- and Premium FSI charges of Rs.4,00,000/- on the basis of the petitioner's representation dated 17.05.2018, within the stipulated time framed by this Court.

For Petitioner : Mr.R.Bharath Kumar

For R1 : Mr.R.Neelakandan,
Government Advocate

For R2 : Mrs.P.Veena Suresh for CMDA

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O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the second respondent refund the Infrastructure and Amenities (1&A) charges of Rs.2,68,000/- and Premium FSI charges of Rs.4,00,000/- on the basis of the petitioner's representation dated 17.05.2018, within the stipulated time framed by this Court.

2. According to the learned counsel for the petitioner, this Writ Petition has been filed for a direction to refund the Infrastructure and Amenities charges paid by the petitioner, while sanctioning the planning permission. Subsequently, the petitioner had approached the respondent to withdraw the request for approval, seeking to refund the amount to the tune of Rs.2,68,000/- (Rupees Two lakh sixty eight thousand only) towards infrastructure and amenities and Rs.4,00,000/- (Rupees four lakh only) towards premium FSI charges. The petitioner's representation dated 17.05.2018, to refund the said amount has not been considered by the respondent. Hence, the present Writ Petition is filed.

3. The learned Standing Counsel appearing for the second respondent would submit that the relief as such sought for by the petitioner has been granted by this Court by its order dated 14.09.2018 in W.P.No.22018 of 2018 following the order passed in W.A.No.1664 of 2017 dated 10.01.2018.

4. In the light of the aforesaid orders passed in W.A.No.1664 of 2017 dated 10.01.2018, W.P.No.22018 of 2018 dated 14.09.2018 and the submissions made by the parties, this Court is inclined to direct the second respondent to consider the petitioner's representation dated 17.05.2018 and to refund the said amount as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands disposed of with the above direction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Housing and Urban Development Department,
St.George Fort,
Secretariat,
Chennai - 600 009.

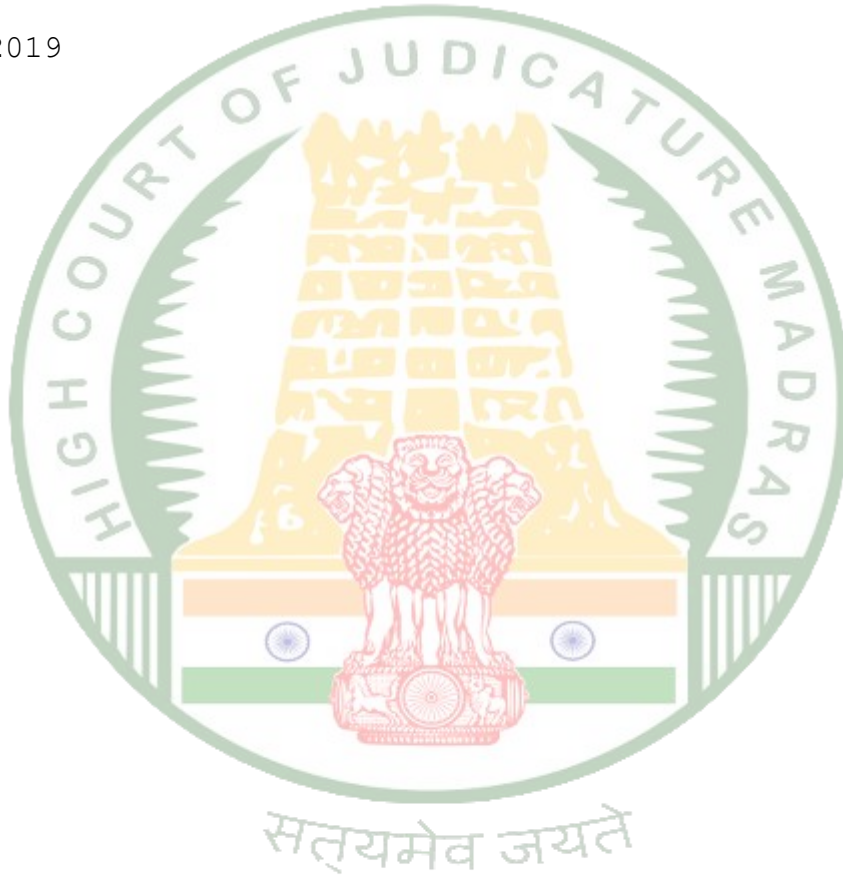
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2. The Member-Secretary,
The Chennai Metropolitan
Development Authority (CMDA),
Gandhi-Irwin Road, Egmore,
Chennai - 600 008.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.18560
+1cc to Mrs.P.Veena Suresh, Advocate, S.R.No.18573
+1cc to the Government Pleader, S.R.No.18241

W.P.No.5029 of 2019

RGN(CO)
CS/13/05/2019



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